

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

PLINIO MATEO,

Debtor.

-----X

tmd3574/nk
NOVEMBER 26, 2018
9:30AM

Chapter 13
Case No: 1-17-46077-ess

**NOTICE OF SETTLEMENT OF
PROPOSED ORDER DISMISSING CASE**

SIRS/MESDAMES:

PLEASE TAKE NOTICE, that an Order of which the within is a true copy will be presented for settlement to the Honorable Elizabeth S. Stong, U.S. Bankruptcy Judge, at the United States Bankruptcy Court at 271 Cadman Plaza East, Brooklyn, New York on November 26, 2018, at 9:30AM.

PLEASE TAKE FURTHER NOTICE, that counter-orders must be presented and served upon the undersigned no later than three (3) days prior to the settle date set forth above, and if no counter-order is presented and served, the attached Order may be signed.

Date: Jericho, New York
October 23, 2018

s/Marianne DeRosa
MARIANNE DEROSA, CH 13 TRUSTEE
125 JERICHO TURNPIKE; SUITE 105
JERICHO, NY 11753
(516) 622-1340

tmd3574/nk
THIS ORDER RELATES TO A
HEARING HELD ON
OCTOBER 15, 2018

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
IN RE:

PLINIO MATEO,

Debtor.

Chapter 13
Case No. 1-17-46077-ess

ORDER DISMISSING CASE

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UPON the September 25, 2018 written application of Marianne DeRosa, Chapter 13 Trustee, (the "Trustee") seeking entry of an Order dismissing the instant Chapter 13 case pursuant to 11 U.S.C. §1307(c) and due notice of the aforesaid application having been given to all necessary parties; and

WHEREAS, on October 15, 2018, the Trustee appeared in support thereof and Peter White, Esq. appeared on behalf of the Debtor; and

WHEREAS, the Debtor does not qualify for Chapter 13 relief as the Debtor's secured debt, as indicated by the Claims Register, exceeds the jurisdictional limit of \$1,184,200.00, pursuant to 11 U.S.C. §109(e); and

WHEREAS, the Debtor's proposed plan is not sufficiently funded to pay secured claims in full as required by 11 U.S.C. §1325(a)(5), and the Debtor's supporting budget, Schedules I and J, does not indicate an ability to increase the plan payments; and

WHEREAS, each of the foregoing constitutes cause for dismissal of a Chapter 13 case; it is accordingly

ORDERED, that the instant Chapter 13 case be dismissed pursuant to 11 U.S.C. §1307(c) of the Bankruptcy Code.

Dated: Brooklyn, NY
, 2018

Hon. Elizabeth S. Stong
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X Chapter 13 Case No: 1-17-46077-ess
IN RE

PLINIO MATEO ,

Debtor.

-----X

CERTIFICATE OF SERVICE
BY MAIL

This is to certify that I, Nathan Z. Kaufman, have this day served a true, accurate and correct copy of the within Notice of Settlement and proposed Order Dismissing by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Plinio Mateo
78-40 64th Street
Glendale, NY 11385-6815

LEOPOLD & ASSOCIATES, PLLC
80 Business Park Drive, Suite 110
Armonk, New York 10504

Brian McCaffrey, P.C.
88-18 Sutphin Blvd., 1st Floor
Jamaica, NY 11435

Aldridge Pite, LLP
Fifteen Piedmont Center
3575 Piedmont Rd, N.E., Ste. 500
Atlanta, Georgia 30305

Fein, Such & Crane, LLP
28 E. Main St., Ste. 1800
Rochester, NY 14614

ALDRIDGE PITE, LLP
4375 Jutland Drive, Suite 200
P.O. Box 17933
San Diego, CA 92177-0933

Shapiro, DiCaro & Barak, LLC
One Huntington Quadrangle, Suite 3N05
Melville, NY 11747

This October 23, 2018

s/ Nathan Z. Kaufman

Nathan Z. Kaufman, Staff Attorney
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
125 Jericho Turnpike, Ste 105
Jericho, NY 11753
(516) 622-1340

Index No: 1-17-46077-ess

UNITED STATES BANKRUPTCY COURT:
EASTERN DISTRICT OF NEW YORK

IN RE

PLINIO MATEO ,

Debtor.

**NOTICE OF SETTLEMENT, ORDER DISMISSING CASE
and
CERTIFICATE OF SERVICE**

**MARIANNE DeROSA, TRUSTEE
125 JERICHO TURNPIKE STE 105
JERICHO, NY 11753
(516) 622-1340**
